

REMARKS

Claims 51-56 are pending in the present application. Claim 51 has been amended herein. No claims have been added or cancelled hereby. The remarks below support applicant's assertion that these claims distinguish over the cited prior art, and are therefore in condition for allowance.

Applicant appreciates the reopening of prosecution of the present application in light of the pending appeal. Applicant requests that the fees associated with said appeal be retained by the Office until further notice in the event that an appeal in this case is reinitiated. In the meantime, applicant addresses the new grounds of rejection below.

35 U.S.C. § 103(a)

Claims 51-56 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,369,840 (Barnett) in view of U.S. Patent Pub. 2002/0089536 (Dasan). As applicant understands it, even though the rejection is under 35 U.S.C. § 103(a) and not 35 U.S.C. § 102, the basis for the rejection is that Barnett discloses all elements of claim 51, including that a server contains "instructions usable by the computing device to present a frame, with associated controls, specifically designed to display certain Internet content independent of a web browser program" (Claim 51, lines 5-7.) Dang is cited as evidence that such instructions are known.

Applicant concedes that Barnett makes the broad generalization (albeit without example), that "One skilled in the art will recognize that other embodiments of the invention, that

may operate without use of a browser, are also possible.” (col. 7, lines 29-30.) However, there is no mention in Barnett of any mechanism for the retrieval of instructions for presenting Internet content in a frame specifically designed to present that content independent of a web browser. Rather, with reference to col. 7, lines 24-27, Barnett merely states that the user may interact with the system taught by Barnett through a mechanism other than a web browser. There is a significant difference between communication between two computer systems without use of a web browser, and the presentation to a computer system of content typically displayed in a browser (Internet content) in a frame designed for that content and without the use of a browser. It is with this difference in mind that applicant asserts that claim 51 differs from Barnett.

While the cited sections of Barnett, col. 9, lines 10-59, and Fig. 5, appear to teach obtaining data from an application server and displaying that data on a client device, there is no mention in Barnett that the data so obtained is “Internet content”. As used in the specification of the present application “Internet content” means content typically viewed by way of a web browser application, such as HTML, dHTML, flash, streaming media, or Java. See, e.g., page 43, lines 7-29, page 49, lines 13-14, etc. In fact, since the data referred to in the cited sections of Barnett is stored in the information database (112), that data would be of a type typically stored in databases, such as raw data in a delimited (tab, comma, etc.) format.

Dang teaches that standalone applications (as opposed to Java applets) may be authored in the Java programming language and run on a computer having a Java virtual machine but no browser. Again, while this teaches that a server may interact with a user computer without a browser, it fails to teach a server providing instructions for presenting Internet content in a frame specifically designed to present that content independent of a web browser.

It is critical to note that applicant's claims are limited to providing instructions for presenting Internet content independent of a web browser. (For example, claim 51, lines 6 and 8, as amended herein.) While internet content typically requires the presence of a browser in order to be displayed (and neither Barnett nor Dang teach otherwise), the present invention supports the display of Internet content in systems without requiring a browser to do so. This is quite different mere communication between two computers which does not rely on a browser (Barnett and Dang). Therefore, applicant argues that this feature (instructions for presenting Internet content independent of a browser) cannot be suggested by the combination of the cited references proposed in the Office Action.

As previously argued, "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Barnett and Dang, taken alone or in combination, fail to teach or suggest instructions for presenting Internet content independent of a browser. Consequently, the obviousness of claim 51, and of claims 52-56 which depend from claim 51, has not be sufficiently shown. Therefore, applicant respectfully requests that the rejection of claims 51-56 be reconsidered and withdrawn.

Importantly, while applicant has focused on a number of limitations of claim 51, there are additional limitations present in the that claim as well as the claims depending from claim 51, which further distinguish those claims from the cited references. Therefore, the fact that those additional limitations are not specifically discussed herein is not to be read as implying that those discussed herein are the exclusive set of such differentiating limitations. Rather, applicant has selected several differentiating limitations and limited the discussion thereto in the interest

of brevity, and reserves the opportunity to discuss those limitations further in subsequent correspondence regarding this case, if necessary.

Conclusion

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration and issuance of a formal Notice of Allowance for this application in light of the amendments and remarks provided above is respectfully requested.

By action taken here, Applicant in no way intends to or causes any surrender of any subject matter or range of equivalents beyond that strictly required to patentably distinguish the claimed invention as a whole over the prior art. Applicant expressly reserves without dedication all such subject matter and equivalents that may fall in the range between Applicant's literal claim recitations and combinations taught or suggested by the prior art.

If the Examiner believes that a telephone conference would expedite prosecution and allowance of this application, please telephone the undersigned at 650-941-4470.

Respectfully submitted,

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